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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/599,743	06/23/2000	Kenneth Vincent Gyllerstrom	10248-015	1511

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EXAMINER

CHOI, STEPHEN

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 06/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/599,743

Applicant(s)

GYLLERSTROM, KENNETH  
VINCENT

Examiner

Stephen Choi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) 10,17,23,28,32 and 38-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-16, 18-22, 24-27, 29-30, 33-37, 41 is/are rejected.
- 7) ☒ Claim(s) 31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01 April 2003 has been entered.

***Allowable Subject Matter***

2. Upon careful reconsideration, the indicated allowability of claims 4-8, 15-18, 37, and 41 is withdrawn in view of the reference(s) to Ullmo. Rejections based on the Ullmo reference follow.

***Election/Restrictions***

3. In view of the withdrawal of allowability of claim 15 above, it is noted that claim 17 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Claim 17 reads on Species C, Figure 14.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3 and 11-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Ferraro et al. (US 5,953,824).

Ferraro discloses all the positively recited elements of the invention including:

- a) a handle having a longitudinal axis (col. 1, line 63);
- b) a shaving head carrying at least one blade with at least one cutting edge and defining a transverse axis parallel to the at least one cutting edge (a razor head);
- c) a connector assembly movably coupling the handle to the shaving head (10a, 10b);
- d) a biasing element spaced apart and separate from the connector assembly and disposed between the shaving head and the handle (30, 60);
- e) the connector assembly permitting the shaving head to exhibit a first movement toward and away from the handle in and out of the rest position (see Figure 4, the swivel movement of the connector assembly causes at least one side of the shaving head to exhibit a movement toward and away from the handle) and a pivoting second movement (col. 3, lines 37-41) wherein the biasing element biases the shaving head into the rest position against the first movement and the second movement.

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6. Claims 14-15, 25-26, 29-30, 33-34, and 41 are rejected under 35 U.S.C. 102(b) as being anticipated by Ullmo (US 4,347,663).

Ullmo discloses all the recited elements of the invention including:

- f) a handle (20);
- g) a shaving head (100);
- h) a connector assembly comprising a head-engaging element comprising a cutout (40, 42) on the handle and a handle-engaging element comprising at least one post with a pin (46, 64) on the shaving head movably coupling the handle to the shaving head;
- i) a biasing element (48).

Regarding claims 25-26 and 33-34, see col. 5, lines 12-29.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-9, 11-13, 16, 18-22, 24, 27, and 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ullmo (US 4,347,663) in view of Trotta (US 4,198,746).

Ullmo discloses the invention substantially as claimed including a handle (20), a shaving head (100), a connector assembly (40, 42, 46, 64), and a biasing element (48) wherein the connector assembly permits a first movement and the biasing element

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biases the shaving head into a rest position against the first movement. Ullmo fails to disclose the biasing element being spaced apart and separate from the connector assembly. Trotta discloses a biasing element (18, 20) being spaced apart and separate from a connector assembly (14). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Ullmo with the biasing element as taught by Trotta in order to provide an alternative biasing arrangement. Regarding claims 2-3, see col. 5, lines 11-29. Regarding claims 4-5, at least one insertion element being a pin (46) and at least one cutout (42). Regarding claim 6, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the handle, the insertion element and the biasing element as a single piece on the modified device of Ullmo, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. Regarding claims 7-8, see Figure 1. Regarding claims 9 and 16, elements 18 and 20 of the modified device of Ullmo. Regarding claims 18, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the at least one post and pin formed on the handle and the at least one cutout formed on the shaving head, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. Regarding claims 20-21, see col. 3, lines 22-24 of Trotta. Regarding claims 22-23, see Figure 5 of Trotta.

***Allowable Subject Matter***

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9. Claim 31 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

10. Applicant's arguments filed 01 April 2003 have been fully considered but they are not persuasive.

Applicant contends that a torsion spring (70), which is not disposed between a shaving head and a handle, biases the shaving head to a rest position from a first movement rather than elements 30 and 60 identified by the examiner.

The examiner respectfully disagrees. Ferraro clearly states (col. 2, lines 59-61) that the biasing force of elements 30 and 60 returns the shaving head to a predetermined position (i.e. the rest position).

11. Applicant's arguments with respect to claims 9, 14, 19-22, 24-27, 29-31, and 33-36 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to S. Choi whose telephone number is 703-306-4523. The examiner can normally be reached on Monday thru Friday between 9am and 5pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703-308-1082.

In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9302 (703-872-9303 for after final). Any inquiry of a general nature or relating to the

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status of this application should be directed to the receptionist whose telephone number is 703-308-1148.

SC

June 23, 2003

A handwritten signature in black ink, appearing to read 'Stephen Choi', is positioned above the printed name.

Stephen Choi  
Patent Examiner